

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

In re: Amendment of the Commission's Space Station Licensing Rules and Policies, Notice of Proposed Rulemaking, IB Docket No. 02-34 (adopted February 14, 2002).

Today's Notice launches an important dialog about the future of our satellite space station licensing regime. The United States has long been a leader in the satellite arena. There is no doubt, however, that as satellites have become a more ubiquitous and essential component of our nation's and the world's communications networks, our regulatory structures are being tested in new and unforeseen ways. As satellites bring essential competition in the video, voice and broadband marketplaces, today more than ever we must re-examine our licensing approaches to this vital resource. The debate that begins with today's notice will help to shape our response to this changing landscape.

The answers will not be easy to find. Indeed, if they were easy, we would have presumably come up with them long ago. But this work is vital to maintaining our competitive edge. That edge is at risk if our satellite licensing process drags on too long or creates too much uncertainty. In this regard, our current process appears to put our interests at risk. For example, in 1991 David Otten, founder and CEO of Celsat, first came to the FCC with an idea to utilize spectrum in the 2 GHz band for MSS. On July 17, 2001, Celsat got its license. Although we are fortunate that Celsat was able to carry the ball for ten long years before receiving a license, we cannot and must not require license applicants to have such patience and tenacity in order to get a satellite license.

It is unclear exactly what changes to our licensing system will yield the greatest efficiencies and benefits to the public. Therefore, we are seeking comment on two possible alternatives – either a wholesale change to a first-come first-served approach or specific reforms to our existing licensing process. I know that our current approach has weaknesses, but I do not want to trade in this set of problems for a larger set of, as yet, unknown problems with unknown consequences. I strongly encourage the parties to think creatively about these problems, our two proposals, and any other approaches that will achieve our goals.

Two of my five guiding principles as a Commissioner are: (1) the FCC must be humble about what it does and can know; and (2) we are a service-based organization and we should act like it. Here, that means seeking as much information as possible from all the parties so that we can create a process that is fair and prompt. I look forward to working together to make our standard of service quality a reality.